

UNITED STATES DISTRICT COURT FOR  
SOUTHERN DISTRICT OF NEW YORK

HUDSON YARDS CONSTRUCTION LLC,

Plaintiff,

-against-

BUILDING AND CONSTRUCTION TRADES  
COUNCIL OF GREATER NEW YORK AND  
VICINITY and GARY LaBARBERA,

Defendants.

Case No.: 18 CIV 02376 (GHW)(DCF)  
ECF Case

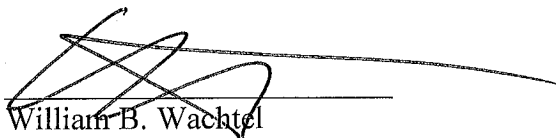
**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the accompanying Declaration of Michael J. Brenner, sworn to on April 26, 2018, the Declaration of Evan Weintraub, Esq. sworn to on April 30, 2018, together with the exhibits annexed thereto, and the accompanying Memorandum of Law, and all of the prior pleadings and proceedings in this action, Plaintiff Hudson Yards Construction LLC, through its undersigned counsel, will move this Court, before the Honorable Gregory H. Woods, United States District Judge, at the United States Courthouse, United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007, on a date and time to be designated by the Court, for an order pursuant to 28 U.S.C. § 1447 remanding this case to its original forum, the Supreme Court of the State of New York, New York County.

Dated: April 30, 2018  
New York, New York

**WACHTEL MISSRY LLP**

By:

  
William B. Wachtel  
Steven J. Cohen  
Evan Weintraub  
Marc Litt

One Dag Hammarskjold Plaza  
885 Second Avenue, 47<sup>th</sup> Floor  
New York, New York 10017  
(212) 909-9500

COVINGTON & BURLING LLP

Alan Vinegrad

C. William Phillips

Philip A. Irwin

620 8th Avenue

New York, New York

(212) 841-1000

*Attorneys for Plaintiff*

To:

Carol O'Rourke Pennington, Esq.

Colleran O'Hara & Mills, L.L.P.

100 Crossways Park Drive West, Suite 200

Woodbury, New York 11797

(516) 248-5757

*Attorneys for Defendants*